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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,517	01/31/2002	Daniel N. Harres	091-0124	9774

7590 06/17/2004
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Newport Beach, CA 92660

EXAMINER

KERVEROS, JAMES C

ART UNIT	PAPER NUMBER
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2133

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DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,517

Applicant(s)

HARRES, DANIEL N.

Examiner

James C Kerveros

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner *because the Abstract contains legal phraseology. Gl*
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are pending and are hereby presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features for "a circuit for generating a binary-level waveform" and "a circuit for providing a chopping signal for a square type waveform" recited in the apparatus independent claims 1, 8 and 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-7 are objected to because of the following informalities:

Claim 1, line 4, "a circuit" should be changed to "a chopping circuit", because of lack of antecedent basis with respect to "said chopping circuit" recited in the proceeding claims.

There is a double period following claim numbers 2, 7, 8 and 9 due to typo error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kingston (US 4808939) issued: February 28, 1989.

Regarding independent Claims 1, 8, 12 and 14, Kingston discloses an apparatus and method for a digital variable rate rectangular matched filter (FIG. 2), comprising:

A signal transmitter at the output line (19, FIG. 2) coupled to binary decision unit (34) for transmitting usable data.

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A circuit (not shown) for generating a binary-level NRZ (non return to zero) waveform at input line 11, shown in FIG. 3A.

A circuit (symbol tracking loop 35) to produce a clock signal (t) for providing a chopping signal for a square type waveform on line 36.

In view of claim 1 objection, for lack of lack of antecedent basis, for examination purpose, the Examiner interprets "a circuit" to mean "a chopping circuit".

A chopping circuit (rectangular matched filter 20) including a (digital adder 28) for combining the binary-level waveform NRZ input of line 11 and the chopping signal at line 36 to produce an attenuated chopped signal at line 19. The attenuated chopped signal on output line 19 provides digital output usable data, shown by waveform (FIG. 3F), which has less energy content than the original NRZ waveform (FIG. 3A) at input line 11 of filter 20. For example, the input waveform (FIG. 3A) has five binary "ONES" while the output waveform (FIG. 3F) has two binary "ONES", and therefore the output waveform has less power energy than the input waveform.

Regarding Claims 2, 3, 9 and 13, Kingston discloses a chopping circuit (rectangular matched filter 20), which provides an attenuated chopped signal at line 19 which has a narrower pulse width and the same amplitude as the original binary-level waveform NRZ input (FIG. 3A), which is synchronized by the clock signal at line 36 generated from the self-clocking tracking loop 35 which changes the clock rate whenever the NRZ input data rate changes on input line 11.

Regarding Claims 4-7, 10 and 11, Kingston discloses a pulse shaping circuit comprising multiplier (29) and a register (31) for forming attenuated pulses at line 33 in

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the chopped attenuated signal (20) and converting clock pulses at line 36 into the attenuated chopped signal waveform.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Kerveros whose telephone number is (703) 305-1081. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

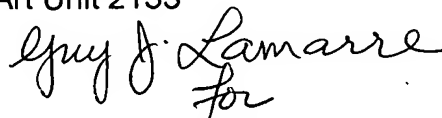
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Fax: (703) 746-4461
Email: james.kerveros@uspto.gov

Date: 9 June 2004
Office Action: Non-Final Rejection

By: 

James C Kerveros
Examiner
Art Unit 2133


for

Albert DeCady
Primary Examiner